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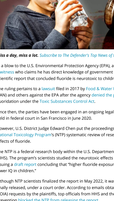
Judge Rejects EPA's Bid to Exclude Key Witness in Fluoride Lawsuit

An Idaho 9th U.S. Environmental Protection Agency (EPA) Judge on Tuesday ruled that a witness who claims he has direct knowledge of government agencies trying to suppress a key scientific report that concluded fluoride is neurotoxic to children may present his testimony.

By **Brenda Baletti, Ph.D.**



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In a blow to the U.S. Environmental Protection Agency (EPA), a federal judge on Tuesday ruled that a witness who claims he has direct knowledge of government agencies trying to suppress a key scientific report that concluded fluoride is neurotoxic to children may testify.

The ruling pertains to a case filed in 2017 by Food & Water Watch, the Fluoride Action Network (FAN) and others against the EPA after the agency denied the groups' 2016 petition to end water fluoridation under the Toxic Substances Control Act.

Since then, the parties have been engaged in an ongoing legal battle. The trial's first phase was held in federal court in San Francisco in June 2020.

However, U.S. District Judge Edward Chen put the proceedings on hold pending the release of the National Toxicology Program's (NTP) systematic review of research available on the neurotoxic effects of fluoride.

The NTP is a federal research body within the U.S. Department of Health and Human Services (HHS). The program's scientists studied the neurotoxic effects of fluoride for years before releasing a draft report concluding that "higher fluoride exposure is consistently associated with lower IQ in children."

Although NTP scientists finalized the report in May 2022, it was March 2023 before the report was finally released, under a court order. According to emails obtained via Freedom of Information Act (FOIA) requests by Children's Health Defense, the Office of the Secretary and the Centers for Disease Control and Prevention blocked the NTP from releasing the report.

Only released two years after the NTP scientists finalized the report, the final draft has not yet been published. Instead, the draft report continues to be mired in an ongoing process of repeated peer review, which FAN alleges is an attempt to "weaken, delay or kill" the report.

In December 2023, the EPA moved to exclude the testimony of Brian Berridge, DVM, Ph.D., the NTP's scientific director at the time the report was produced and a key witness for the plaintiffs.

The EPA argued that Berridge's testimony would speak to the political influence allegedly exerted to stop the NTP report's publication, rather than to the scientific findings in the report, which are central to the case. EPA attorneys argued Berridge's testimony would be "prejudicial to the government."

The plaintiffs countered that given Berridge's role at the NTP in overseeing the publication of the report — which the court recognized would be the "centerpiece of the dispute" in the second phase of the trial — the court would not be prejudiced or disqualified by his testimony because it may reveal political pressures that prevented the NTP from publishing the manuscript.

At a pretrial status meeting held Monday in San Francisco, Chen agreed with the plaintiffs and ruled that Berridge could testify.

The ruling means that the NTP's former scientific director will be able to testify at trial about the report, the peer review process and why he signed off on the May 2022 version of the report as a final and complete report that was ready for publication, Michael Connett, attorney for the plaintiffs, told The Defender.

"We are pleased with the court's ruling and look forward to introducing testimony from one of NTP's own scientists about NTP's landmark review," Connett said.

Connett added:

> The court placed this case on hold for almost three years in order to consider the NTP's report, which the court has called the 'centerpiece' to the dispute. It is entirely fitting, therefore, that we would want to hear testimony from NTP's scientific director about this critical piece of evidence."

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Separating science and politics?

After wasting three years for the draft report to be made public, then held an Apr. 11, 2023, status conference on Zoom to schedule the next phase of the trial. He determined the second phase could go forward with the draft report, and the end of period August 2023 was set for the trial to begin.

At that time, Connett informed the judge that based on information obtained via FOIA requests indicating the report had been suppressed, the plaintiffs planned further depositions to supplement what the NTP report allowed to publish the report, "which was considered complete by NTP scientists."

Connett argued the draft report was at least partially discount the findings of the NTP report because it remained in draft form and had been criticized by reviewers in a politicized process.

But Chen said that given that the draft report had been released, he didn't see merit in further investigating the reasons behind the release. He said that it was "political ink" regarding Rudnick's neurotoxicity, rather than the politics behind the case, that would decide the case.

"To me, the science is more important than whether politicians get involved to try to squash the report," Chen stated.

"It's reasonable to say, 'Let's focus on the science,'" Connett told The Defender at the time, "but the science here has been influenced by politics and it is difficult to separate the two."

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EPA's attempt to exclude key witness

In December 2023, the EPA submitted a motion seeking to exclude Berridge's testimony, based on Berridge's previous testimony about the politics of the report suppression. However, the plaintiffs argued that Berridge's testimony wasn't relevant exclusively to politics, but spoke to the validity of the NTP report's findings.

Berridge was tapped as the associate director of the NTP in 2018 and served as its scientific director from 2018 through 2023. Prior to joining the NTP, Berridge worked for 17 years in the pharmaceutical industry as a toxicological pathologist at Eli Lilly and then at GlaxoSmithKline.

Berridge wasn't an author on the NTP report, but he was responsible for overseeing the production and signing off on its publication.

Emails obtained by the plaintiffs via FOIA included emails from Berridge, in which he wrote that there was an ongoing attempt to modify the report to satisfy interested actors.

"After 17 years in industry, I've seen efforts to modify messages to fit commercial interests. I wasn't party to that then and I'm not game to do that here," Berridge wrote.

He also submitted comments to the NTP's Board of Scientific Counselors, which was evaluating the NTP's response to peer reviewers, stating that as former scientific director of the NTP, he could speak to the care, scientific rigor, balanced interpretation and clear communication of the work.

"The inordinate and unprecedented challenge and review that have been applied to these products have, in my opinion, been obstructive," Berridge said. He also called them inconsistent with the White House Office of Science and Technology's policy that aims to protect the integrity and independence of science.

The EPA argued that the plaintiffs had first disclosed Berridge as a witness who could speak to the political influence over the NTP's publication, therefore Berridge's testimony would have "nothing to do with the scientific merits of the monograph or the contents of the monograph's potential hazard of water fluoridation," and would instead relate to the "political influence issue."

Although the plaintiffs were also calling Berridge as a witness to comment about the report itself, allowing him to testify would risk "sidetracking" the trial in a discussion about political suppression that Chen had deemed irrelevant, the EPA said.

EPA attorneys also argued that the EPA had not disposed Berridge because it thought his testimony wouldn't be relevant. So his inclusion as an expert witness would be unfair to the agency.

The plaintiffs disagreed, arguing that Berridge's testimony would address the weight the court should give to the NTP report. That includes clarifying NTP's purpose — conducting hazard evaluations — the process of producing the report and why he determined the report was in fact finalized in March 2022.

His expertise is "clearly relevant," the plaintiffs argued, and there is no basis for excluding his testimony.

Attorneys for the EPA did not respond to The Defender's request for comment by the time of publication.

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Brenda Baletti, Ph.D.
Brenda Baletti, Ph.D., is a reporter for The Defender. She wrote and taught about capitalism and politics for 13 years in the writing program at Duke University. She holds a Ph.D. in human geography from the University of North Carolina at Chapel Hill and a master's from the University of Texas at Austin.

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Someone 17 days ago
It's not that the EPA wants him excluded as a witness speaks volumes to his importance. Otherwise they wouldn't be trying so hard to exclude him. If his testimony was truly irrelevant then it would be irrelevant. The EPA's goal is trying to make, which would only benefit the EPA. Clearly he has something to say that would hurt the EPA's case and that is the real reason.
Like Reply Share

Kevin D 17 days ago
My question I have is: Who benefits from treating water supplies with fluoride? Have they manipulated the EPA? Are we all their federal agencies compromised?
Like Reply Share

John Stein 17 days ago
Yes
Like Reply Share

Someone 17 days ago
Industry benefits. Fluoride is a toxic waste product that would cost a fortune to clean up and properly dispose of. Instead they get to make money off it by selling it to the government to put in our water and to companies that make products like toothpaste.
Like Reply Share

jane 17 days ago
Some goes for atrazine in water. Who put it there?
Like Reply Share

Gadmeister1 16 days ago
Dentists use fluoridation policy as a marketing tool for selling fluoride treatments. If community is fluoridated, then that must mean that topical treatment is just extra protection. If it's not fluoridate, they must think the treatment is necessary to prevent it outbreaks of cavities. So given to understand that a wonderful treatment is available to prevent cavities, but it's not available to everyone unless they are willing to pay directly into the dentists pocket. Trump removed $ fertile fluorosed teeth with veneers and crowns as another money-maker. See image for other problems.
see more

Someone 16 days ago
Yes, I forgot that insurance pays for these treatments, ensuring that people will get them. It's considered a preventative treatment, so most insurance companies will pay for either the majority of the treatment, if not the full cost.
Like Reply Share

Rob Orf 17 days ago
I'm apparently not that bright so can someone explain to me why public agencies have to be sued before they release reports or data that is paid for and owned by the public?
Like Reply Share

Scott Andrew 16 days ago
Because the entire system is one gigantic corruption.

Hahnhagen 17 days ago
Follow the money. Who is being paid off to withhold this report? Who gains or is able to sell their fluoride instead of having to pay to dispose of it properly? Who is being paid off to keep the public in the dark? Who is being paid off to keep the public from having the development of a high functioning society. All of those people involved with this fiasco belong incarcerated, taken out of any position where people's health can be affected, or executed.
Like Reply Share

El Gigantor 17 days ago
Participant
I don't think there is a profit motive behind fluoridation, although some private interests may save money as a result. Look at the effects of fluoridation, and there you see the purpose. It is to make the population docile.
Like Reply Share

shirley 16 days ago
Of course money is made from fluoride.
Like Reply Share

El Gigantor 16 days ago
See my response to "Someone."
Like Reply Share

CAMS 16 days ago
Participant
And awhile. It blocks the uptake of iodine from thyroid and breast tissue which leads to hypothyroidism, miscarriage and sometimes breast cancer. Hitler put it in concentration camps to sterilize the prisoners.
Like Reply Share

Someone 16 days ago
Yes, fluoride is most definitely sold to the government to dump into our water. It's a win-win for industry.
Like Reply Share

El Gigantor 16 days ago
Someone
Yes.
Like Reply Share

My point is that funneling money to industry is not the main motive.
Like Reply Share

jane 16 days ago edited
I'm shocked that a San Francisco judge has the guts to stand up to climate corruption. Are they realizing that we're watching them?
Also, I'm shocked that a most interesting case with one good agency against another and its superior trying to suppress evidence. Kudos to Berridge for exposing the truth. I pray for his safety.
Like Reply Share

Libra 16 days ago edited
The entire legal process is an abomination made primarily by lawyers who became politicians to create laws for lawyers. We need NO ALL laws to be reviewed and quickly determined if unnecessary or harmful. We need to eliminate all laws that benefit lawyers and politicians. We need to eliminate all lawyers. We need to eliminate all lawyers who completed law school and have a record in good standing - no charges of dishonesty, drug and ETOH of any kind, smokers, legal or illegal psychoactive drugs, etc. NOR ANY record whether expunged or not of criminality of any kind. We need to eliminate all lawyers who have ever been sued. We need to do away with all lawyers who are with wife and husband of family members. Law makers must be by lot only and election. And EVERY law must be clear. The lawyers and the judges have proven to me over my lifetime and history to be TOTALLY corrupt. We need to eliminate all lawyers. We need to do away with all lawyers. We need to do away with all lawyers. We need to do away with all lawyers. Everyone is biased, inherently biased, but lawyers lie will make money AND knows that the lawyers for the defendant will make money as well? This happens every day. There is no law. There are only opposing lawyers who benefit from misinterpretation of laws. Lawyers are the problem. Lawyers are the problem. Lawyers are the problem. ONLY if there are sufficient twenty-thousands of lawsuits. Like modern medicine, it's all a scam. Lawyers.
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Here's an example. There is a state in the union that has a law for mandatory wording in divorce agreements. Saying that "both parties will lose their remaining lives as though they have never lived." Well, what if they had children. Guess what happens. You have a conversation with your grown child who talks with the other ex-spouse and then spouses could be on the legal or illegal drugs which make people feel paranoid/etc. Oh they have a
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jane 16 days ago
I'd like to know more about other internal govt agency watchdogs like the NTP. Interesting that we now have Robert F. Kennedy Jr. in charge of HHS and Berridge is the NTP watching the rest of HHS also? We know Fauci and the whole cabal should have been jailed.
Like Reply Share

Charlie 16 days ago
Why would the EPA want to "suppress a key scientific report that concluded fluoride is neurotoxic to children," unless the EPA is corrupt? Protection is supposed to be the EPA's middle name. Why is the EPA against protecting children? Why is the EPA in favor of poisoning children? It doesn't make sense.
Like Reply Share

Gary Brown 16 days ago
May 30, 2023 Why Exactly Does the Government Dump Toxic Fluoride Into 96 % of the US Water Supply?
73% of the US population, according to official estimates, has its drinking water fluoridated. "Water fluoridation" means that the government added a synthetic form of the potentially toxic chemical fluoride into the water under the guise of Public Health™.
https://www.globalresearch.ca/why-exactly-does-the-government-dump-toxic-fluoride-into-96-of-the-us-water-supply/5817

73% of the US population, according to official estimates, has its drinking water fluoridated. "Water fluoridation" means that the government added a synthetic form of the potentially toxic chemical fluoride into the water under the guise of Public Health™.
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Dave 16 days ago
Fluoride is a toxic substance & in another way to keep America unhealthy, dumbed down, & dependent on the medical industry to file the $s it causes. Poor capitalism is its and harm since it generates future business for the dentistry business, which is so corrupted as our medical industry which also benefits from this toxin.
It's time to STOP putting this toxic waste product into our water supply, labeling it as a "healthy" additive.
Reference: EPA's 40 CFR Fluoridation Activity NO MORE!
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